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**REMARKS**

Claims 1-20 are pending in this application.

Claims 10-20 are withdrawn from consideration.

Claims 1-9 are rejected.

The office action dated March 5, 2003 indicates that a provisional election of claims 1-9 was made. This provisional election is hereby affirmed. A traverse of the restriction requirement is made below.

**'102 rejection**

The office action also indicates that claims 1-9 are rejected under 35 U.S.C. §102(e) as being anticipated by Tullis et al. U.S. Patent No. 6,517,180. This rejection is respectfully traversed.

Claim 1 recites a method of classifying media. The method includes employing a probabilistic input-output system to classify a medium of interest. Image-related measurements from an image of the medium of interest are used as inputs to the system. Exemplary measurements include, without limitation, statistical means and standard deviations.

Tullis et al. disclose a sensor for identifying the details of individual droplets of ink. The sensor can also be adapted for media classification. Tullis et al. disclose that a dot sensor can be adapted with an additional light to "sort transparencies from relatively opaque media" (see col. 11, line 62 to col. 12, line 1). Tullis et al. also disclose that their dot sensor can be adapted to analyze surface textural differences, ink dot distribution patterns, and "other media attributes"; and that cluster-weighted modeling can then be used to discriminate media into classes or types. See col. 12, lines 6-13.

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However, Tullis et al. do not explain how the cluster-weight d modeling is used. They do not disclose using image-related measurements determined from a medium of interest as inputs to the cluster-weighted modeling. Therefore, Tullis et al. do not disclose all limitations of claim 1. Accordingly, the '102 rejection of claims 1-9 should be withdrawn.

An obviousness-type rejection of claim 1 cannot be based on Tullis et al. The '180 patent and the subject application are commonly owned by Hewlett-Packard. Therefore, Tullis et al. is not prior art under 35 USC §103. Accordingly, claims 1-9 should be allowed over Tullis et al. alone.

#### Amendment to claims

Claim 1 has been amended to remove the words "steps of." Claims 4-9 have been amended to remove the words "step of."

#### New claims

Claims 21-24 are new. New claim 21 recites the generation of a probabilistic input-output model for media classification. New claim 22 recites the use of a probabilistic input-output model for media classification. New claim 23 recites a system for performing the method of claim 22. New claim 24 recites a printer for performing the method of claim 22.

#### Traverse of restriction requirement

The restriction of claims 10-20 is respectfully traversed. Claims 10-14 are drawn to a system classified in class 258, subclass 208.01, and claims 15-20 are drawn to a print system drawn in classified in class 101, subclass 212. However, the restriction requirement does not comply with the MPEP.

The office action cites MPEP §806.05(e) to support the restriction between claims 1-9 and 10-14. However, MPEP §803 (Restriction - when proper) requires the examiner to provide reasons and/or examples supporting the

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conclusion that the method of claims 1-9 can be performed by an apparatus that is materially different than the system of claims 10-14. The office action provides no examples or reasons.

Moreover, MPEP §803 provides two criteria for a proper requirement for restriction between patentably distinct inventions:

- (1) The inventions must be independent or distinct as claimed; and
- (2) There must be a serious burden on the examiner if restriction is not required.

Prima facie serious burden has not been established. MPEP §803 states that serious burden can be shown by separate classification. However, claims 1-9 and 10-14 have the same classification. For these two reasons alone, the restriction between claims 1-9 and 10-14 should be withdrawn.

The office action cites MPEP §806.04 to support the restriction between claims 1-9 and 15-20. This section states that restriction should be required between independent inventions. However, the office action does not demonstrate why the classification system of claims 10-14 and the print system of claims 15-20 are independent. The office action simply states that these two systems have different utility. Different utility is not supported by the MPEP §806.04. Therefore, the restriction between claims 1-9 and 15-20 should be withdrawn.

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The examiner is respectfully requested to withdraw the restriction requirement and the rejections, and issue a notice of allowability. The examiner is invited to contact the undersigned to discuss any remaining issues.

Respectfully submitted,



I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on July 7, 2003.

  
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